

ASSEMBLY BILL

No. 1423

Introduced by Assembly Member Tom Berryhill

February 27, 2009

An act to amend Section 3240.5 of, and to repeal and add Sections 3241 and 3242 of, the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 1423, as introduced, Tom Berryhill. Commercial hunting clubs.

Existing law establishes the Department of Fish and Game in the Natural Resources Agency. Existing law authorizes the department to regulate commercial hunting clubs. Existing law requires a person in possession or control of property who imposes or collects a fee for the privilege of taking birds or mammals on that property, or who imposes or collects a fee for any type of entry or use permit that includes the privilege of taking birds or mammals on that property, to obtain a commercial hunting club license from the department, as prescribed. Existing law requires that license to be issued to any person upon submission of a completed application on a form approved by the Fish and Game Commission and the payment of a fee, as specified. Existing law exempts from the application of these provisions any hunting club or program licensed under other provisions of the Fish and Game Code and any person who receives less than \$50 per entrant to the club and an annual total of fees that is less than \$500.

This bill would recast those provisions to establish a number of exemptions from having to obtain a commercial hunting club license. The bill would require an application for a commercial hunting club license to be on a form furnished by the department. The bill would require the application to contain prescribed information. The bill would

require the department to issue a license to any person upon submission of a completed application and payment of a fee, in accordance with a fee schedule based on the number of properties used by the club.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3240.5 of the Fish and Game Code is
2 amended to read:

3 3240.5. (a) A person, including, but not limited to, a renter or
4 lessee, in possession or control of property on or with respect to
5 which a fee for the privilege of taking birds or mammals is imposed
6 or collected, or on or with respect to which a fee for any type of
7 entry or use permit that includes the privilege of taking birds or
8 mammals on the property is imposed or collected, is maintaining
9 a commercial hunting club if birds or mammals are taken on the
10 property, and shall procure a “commercial hunting club ~~license.~~”
11 *license” before birds or mammals are taken.*

12 (b) This article does not apply to any of the following:

13 (1) *Any landowner who rents or leases his or her property to*
14 *a hunting club or program licensed under other provisions of this*
15 *code that is licensed in accordance with this article and is not*
16 *involved in the operation of the club.*

17 ~~(2) Any person who receives less than fifty dollars (\$50) per~~
18 ~~entrant and receives less than a total of five hundred dollars (\$500)~~
19 ~~between July 1 and the following June 30 for permission, entry~~
20 ~~access, or use fees that include the privilege of hunting on property~~
21 ~~in his or her possession or control.~~

22 ~~(3) Any landowner who rents or leases his or her property to a~~
23 ~~commercial hunting club and is not involved in the operation of~~
24 ~~the club.~~

25 (2) *Any property otherwise enrolled in a hunting or*
26 *conservation-related program licensed or authorized under this*
27 *code or regulations adopted pursuant to this code.*

28 (3) *Any officially sanctioned field dog trial event held pursuant*
29 *to regulations adopted by the department.*

30 (4) *Any property under a state or federal conservation or*
31 *agricultural easement.*

1 (5) Any hunting club that, or person who, receives less than two
2 hundred dollars (\$200) per entrant, and less than a total of two
3 thousand dollars (\$2,000) between July 1 and the following June
4 30 for permission, entry access, or use fees that include the
5 privilege of hunting on property in the possession or control of
6 that hunting club or person.

7 (c) As used in this article, “property” means one or more
8 contiguous or adjacent legal parcels held by a common owner or
9 combination of owners and held out for a common purpose.

10 SEC. 2. Section 3241 of the Fish and Game Code is repealed.

11 ~~3241. The department may permit a commercial hunting club~~
12 ~~that leases or rents more than one property for hunting purposes~~
13 ~~to submit one application listing each of the properties for which~~
14 ~~they are seeking a license. The department shall assess a separate~~
15 ~~license fee for each property to be licensed, except as otherwise~~
16 ~~provided under this code.~~

17 SEC. 3. Section 3241 is added to the Fish and Game Code, to
18 read:

19 3241. (a) An application for a commercial hunting club license
20 shall be submitted on a form furnished by the department. The
21 application, which shall set forth all of the exemptions and
22 conditions established in Section 3240.5, shall require the applicant
23 to include all of the following information:

24 (1) The name of the club and the ownership.

25 (2) The business telephone number and mailing address of the
26 club.

27 (3) The number of properties used by the club and the general
28 physical location of each property.

29 (4) The total acreage of the club property.

30 (5) A list of all species of game hunted on the club property.

31 (6) Information as to whether the club owner owns any of the
32 properties used by the club.

33 (7) The name and address of each property owner, if the property
34 owner is substantially involved in the operation of the club, but
35 does not own the club.

36 (8) The signature and title of the applicant.

37 (9) Any other information the department may require.

38 (b) The department shall allow a commercial hunting club that
39 leases or rents more than one property for hunting purposes to
40 submit a single application listing each of the properties for which

1 the club is seeking a license, if all of the information required for
2 each property is submitted in a format approved by the department.

3 SEC. 4. Section 3242 of the Fish and Game Code is repealed.

4 ~~3242. Upon submission of a completed application on a form~~
5 ~~approved by the commission, a commercial hunting club license~~
6 ~~shall be issued to any person upon the payment of a base fee of~~
7 ~~one hundred sixty-five dollars (\$165), as adjusted under Section~~
8 ~~713.~~

9 SEC. 5. Section 3242 is added to the Fish and Game Code, to
10 read:

11 3242. (a) The department shall issue a commercial hunting
12 club license to any person upon submission of a completed
13 application and payment of the required fee, according to the
14 number of properties used by the club, as follows:

15 (1) The fee for one property shall be two hundred dollars (\$200).

16 (2) The fee for two to five properties shall be five hundred
17 dollars (\$500).

18 (3) The fee for six to 10 properties shall be one thousand dollars
19 (\$1,000).

20 (4) The fee for 11 or more properties shall be two thousand
21 dollars (\$2,000).

22 (b) The fees specified in this section are applicable to the 2010
23 license year, and shall be adjusted annually thereafter pursuant to
24 Section 713.